

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

TRANSPORTES PEÑÓN BLANCO     )  
SAPI DE C.V. and GERARDO ANGEL     )  
TAMEZ TAMEZ,     )

Plaintiffs,     )

v.     )

1:23CV176

VOLVO GROUP NORTH AMERICA,     )  
LLC and MACK TRUCKS, INC.,     )

Defendants.     )

**ORDER**

The Order and Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on February 28, 2025, was served on the parties in this action. (ECF Nos. 36, 37). On March 14, 2025, Plaintiffs filed Objections to the Magistrate Judge's Recommendation. (ECF No. 38.) On March 26, 2025, Defendant's filed a Response to Plaintiffs' Objection. (ECF No. 39).

The Court has reviewed Plaintiff's Objections and Defendant's Response and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that Defendants' Motion to Dismiss, (ECF No. 31), be **GRANTED** under Federal Rules of Civil Procedure 12(b)(7) and 19 for failure to join an indispensable party whose joinder would destroy complete diversity jurisdiction in this case.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 28th day of March 2025.

/S/ Loretta C. Biggs

Senior United States District Judge